

THE TRIAL OF HARVEY HOLMES

CHARGED WITH RECEIVING STOLEN PROPERTY

RESULTS IN SOME DISCLOSURES

Harvey Holmes, the colored boss, about whom so much has been said in connection with Tenderloin robberies, was placed on trial before Judge Boyle this morning on a charge of receiving stolen property.

Holmes' arrest was brought about by Alderman Duggan, who swore to the complaint. The trial was begun in the police court immediately after Holmes had pleaded not guilty. Later a continuance was taken on motion of Assistant County Attorney Yancey until next Thursday afternoon to allow the prosecution to look up missing witnesses.

Holmes' arrest came about through the action of the "King of Darktown" in swearing out a warrant for the arrest of John Kellyon yesterday. Kellyon is supposed to be the colored man who gave information to the alderman and which resulted in the motion for a police investigation.

Duggan Liberated Kellyon.

His arrest quickly followed the issuing of the warrant and aroused the ire of Alderman Duggan, who characterized the action as a piece of spite-work. The alderman showed the strength of his convictions by going on Kellyon's bonds. Then he retaliated by getting out a warrant for Holmes and the two colored women, who were taken in as a matter of precaution.

What proved a rather comical mix up came about when it developed that Attorney Ed Booth, of the firm of Booth & Darrow, was to defend both Holmes and the man Holmes had ordered arrested.

Killyon was arraigned and pleaded not guilty through Mr. Booth, and his trial was set for March 18, as were the trials of Jessie Woods and Lizzie Hall.

Attorney Booth insisted upon having his client put on trial immediately and then demanded a jury trial, which was refused.

During the progress of the trial there were several rather sensational statements made and the testimony took different courses, according to who happened to be on the stand.

Where Legar's Money Went.

Lizzie Hall in her testimony stated that Holmes had been taken by her to a house near the Arizona street fire station, where he was given the \$280 stolen from Paul Legar.

An officer was sent with the Hall woman to the house and it was found that the woman had hurriedly moved from the place and could not be found.

Lizzie Hall also testified that Judge Boyle had demanded the truth about the robbery from her and had told her that Harvey Holmes had given him the information that Jessie Woods had taken the money from Legar. Judge Boyle corroborated this statement, but notwithstanding this, when the Woods woman got on the stand she went directly against the statements of Lizzie Hall and denied all knowledge of Holmes' implication.

When the Hall woman took the stand Attorney Booth asked the court to instruct her that she need not answer any questions bearing on the robbery, which might incriminate herself. The woman was given to understand this. She then told her story, shielding herself and laying the burden of guilt on Jessie Woods and Holmes.

She testified that after the Frenchman had discovered that he had been robbed he raised a racket and that Jessie Woods came into the cabin.

In a back room the witness said that the Woods woman acknowledged she had taken the money and told her to go to Harvey Holmes to see about getting arrested.

The witness declared she went to Holmes and that the latter told her to go and get arrested, that he would fix it up for her afterwards at the station.

"Yes, he did fix up with me," interrupted Judge Boyle. "He gave me \$100 to let her out."

Saw Where Money Was Cashed.

Continuing, the Hall woman stated that she went with Holmes to a house near the Arizona street fire station where the money, consisting of \$20 gold pieces, a \$50 bill and some other bills she didn't recollect, were hid in the window curtain.

This money she declared had been taken from the curtain hiding place and handed to Harvey Holmes by the woman who occupied the house.

She stated further that Holmes had tried to make money out of her by charging for furnishing the bond and that he insisted upon getting \$12.50 more from her.

"We went back to the club," said the witness, "and I stayed there until I was arrested. Harvey told me everything would be all right. The Frenchman came to the club and he offered to let the thing drop if he was given back half of the money. This was after Holmes got the money out of the curtain."

"Jessie Woods told me she got the money. I said to Jessie to give the money back as I just got back here from Anaconda and I didn't want to get into trouble. She told me to go see Harvey Holmes. He overcharged me in getting me out of jail, and then he began to say that I did the talking about the policemen getting some of the money and then I got mad. Holmes said he was going to have me run out of town."

Attorney Booth made the request that an officer be sent with the Hall woman to the house where the money was supposed to have been hid and bring back the other woman as a witness. The defense stated that they wanted to see if the woman mentioned would back up the story of Lizzie Hall.

Woman Could Not Be Found.

Officer Foley went out with the Hall woman and returned to report that the woman wanted had moved two weeks ago and could not be found.

Officer Sheehan testified to making the arrest, but most of his hearsay testimony was not admitted.

Jessie Woods then took the stand and denied everything that the Hall woman had said regarding the money. Some of the things she denied had been previously admitted by her. After some difficulty the prosecution succeeded in getting her to admit that Harvey Holmes had come to her assistance.

Holmes she said paid part of her fine and she had some money of her own with which to pay the balance due.

"I owe Harvey Holmes \$35," said the woman. "I don't know anything about the money only I told Lizzie Hall that if she had the money she'd better give it back."

After the continuance was arranged for and Thursday, March 20, set for the resuming of the testimony, Judge Boyle stated positively that Holmes had told him that Jessie Woods had taken the money. It was this information that led to the arrest of the Woods woman.

Holmes Has Been Talking.

The arrests of Holmes and the man he is after has stirred up city hall circles and there is already chances of some one getting real angry over the remarks repeated.

Jerry Murphy is out with his fighting clothes on over the remark of Holmes yesterday that when the detective had a warrant for Killyon some time ago he, Holmes, stopped the service to show his friendship for the man he had arrested yesterday. Detective Murphy denies the statement in toto.

Holmes is also credited with saying that Judge Boyle did not issue the warrant for his arrest until he had secured permission from Mayor Davey. The judge will do a little interviewing with Holmes also.

Alderman Duggan put up a \$50 bond for his man, Killyon. The others are held under bonds of \$100 and Holmes' bond was fixed at \$500.

CONSTABLE IS SUED

G. H. MORRISON WANTS \$2,000 FROM OFFICER COSGROVE.

SAYS LATTER TOOK HIS GOODS

Promissory Notes and Other Property Worth \$1,843.—Damages Assessed at \$157.—Bonds-men Joined in Suit.

Constable Thomas Cosgrove and his official sureties, Patrick T. Hastings and Adolph Pincus, were today sued in the district court for \$2,000 by G. H. Morrison. The suit was brought on Cosgrove's bond, which is for \$2,000.

The complaint alleges that Morrison was the owner of \$1,843.06 worth of property on the 31st of February, 1902. The property comprised a lease and bond on the Tip Top mining claim, several books of account and stationery, a file of assay returns, a bill of sale of personal property from Katie Murphy to Mary Gehring, a bill of sale of personal property from Anne Woodworth to Jane Fisher, an option to sell the stock of the Copper Queen mine and the stock of the Ida mine, an option to sell real estate for Mrs. Dickerson, a general power of attorney for D. Canney and six promissory notes, running in value from \$25 to \$1,000.

Morrison charges the constable with unlawfully taking and carrying away all of those things on January 31, 1902, and converting them to his own use to

the damage of the plaintiff in the sum of \$2,000.

The prayer asks for \$1,843.06, the value of the property, and for damages in the sum of \$157; also for interest on the first sum since the first of last month and costs.

MICHAEL J. BURKE IS DEAD.

Michael J. Burke, one of Butte's best known and respected citizens, died at his residence at Centerville at 8 o'clock last evening after an illness which lasted several months. The deceased man suffered from lung trouble which ultimately developed into consumption.

As school trustee, member of the legislature and prominent man in politics and matters pertaining to the best interests of the city, Mr. Burke won the respect of all who knew him who regret his death at an age when his mental vigor was still unimpaired.

The deceased man was born in Ireland, 55 years ago, and came to this country in 1870. Two years later he enlisted in the Union army with which he served through the war of the rebellion.

Coming to Butte 12 years ago, he secured the position of chief timekeeper for the Anaconda company, with whom he had been associated up to six months ago, when his failing health compelled him to go to California. The ravages of the insidious disease had progressed too far, however, and for some time Mr. Burke and his friends realized that his was a hopeless case.

He was a prominent member of the Ancient Order of Hibernians and also of the Catholic Knights. He leaves a wife and seven children, the youngest of whom is but three years of age. The arrangements for the funeral have not yet been completed.

Delightful Children's and Misses' Automobiles

Splendid Ladies' Silk Raglans

Other Elegant Outer Garments

Such quantities and quantities of perfectly exquisite wraps and frocks that the observer is almost bewildered by this profusion of garment loveliness and fashion--children's affairs that really surpass the best previous efforts--ladies' frocks and cloaks of aristocratic, exclusive beauty--everything the world likes best is here. Will you see their worth? Will you appreciate their charm, their desirability and their unusual low-pricedness? Thus:



A Very Grand Showing of the Little Ladies' Wraps

The \$10.00 Garments Are Superb

These are also made from black taffeta, but are somewhat more elaborate than the \$7.50 line. The style is the full length automobile shape, made with strap seams and white stitchings, and the garment made particularly effective by a handsome blue, white or plaid corded silk and lace collar. Garments are finely lined; sizes 2 to 6 years. Price \$10.00

Several Styles at \$7.50

These for the girls from 2 to 6 years. They're made of the best black taffeta, are cut in three-quarter and full length automobile shapes; have large collars, full sleeves and pearl buttons, and are trimmed quite daintily with applique laces and contrasting stitches; linings of colored satin. Price \$7.50

\$12.50 Moire Cloak for Misses

Full length automobile, for girls from 10 to 14 years. Garments made from the very stylish velour moire silk, with turn-back cuffs, round silk collar, surmounted by a dainty linen and lace overcollar; fine saten linings and pearl buttons. Such a cloak as sells usually for \$17.50. At \$12.50

Nothing So Stylish For Ladies as the Stunning Silk Raglans

Silk Raglans \$15.00

Peau de sole raglan, made from a good grade of material; very full cut, yoke back, slashed bottom, collar and cuffs of velour moire; side pockets, satin pipings, strap seams, silk shoulder linings. Altogether a most excellently made and perfect garment \$15.00

Silk Raglans \$19.75

Gorgeous moire velour affair in full length, made with immense turn-back cuffs and wide round collar, trimmings of applique lace and black and white ruche. Silk frog and fancy button fasteners. Price \$19.75

\$7.50 Women's Eton Jackets \$5

All wool twilled black chevot Etons, made with fancy scalloped collars and trimmed with satin bands; good lining; perfect shape; regular \$7.50 quality. Selling here for \$5.00

\$10.00 Silk Etons \$7.95

Splendidly pretty black moire velour Etons, in collarless style; flare cuffs, stitched taffeta silk trimmings and fancy ornaments; lining of twilled silk. \$10.00 worth of value and style for \$7.95

\$7.50 Women's Dress Skirts \$5

Black cloth skirts, in pebble and twilled chevot weaves; made with full flounce around the bottom and trimmed with satin bands; good value at \$7.50. Price \$5.00

Tuesday and Wednesday, March 18, 19

The Supreme Headgear Occasion of the Spring Season

Symons' Millinery Opening

Dream, O woman, all of the splendor and magnificence which will soon be unveiled in the gorgeous Symons headgear salon. Let your imagination dwell on millinery exquisiteness such as has never before been unfolded within the broad borders of this state. Give your fancy full scope, for in its greatest flight it will not nearly reach the superb beauty of this spectacle.

AT SYMONS, THE LARGEST MILLINERY STORE; AT SYMONS, THE MOST HANDSOMELY FURNISHED MILLINERY STORE.

AT SYMONS--The broadest range of imported patterns, the greatest showing of American productions, the most exclusive walking hats, the prettiest saloons, AT SYMONS--the largest number of trained millinery artists. AT SYMONS--Always the smallest prices.

Wait 4 Days More Till Symons' Opening



MILLION DOLLAR DAMAGE SUIT OF O'CONNOR AGAINST ANACONDA SELLS FOR A MERE BAGATELLE

The \$2,000,000 damage suit of Dr. Bardette O'Connor against the Anaconda Mining company, together with O'Connor's interest in the Copper Trust claim was sold to F. Augustus Heinze yesterday for \$2,500.

It is generally understood that O'Connor was simply Mr. Heinze's representative in the action, but the discrepancy between the consideration of yesterday's transfer and the colossal pretensions of the owner of the claim, in the matter of damages, has excited some comment.

The Copper Trust overlaps the St. Lawrence and Mountain View mines, taking in bits of the Johnstown, Smelter and Sullivan claims on the east end and including the silver claim called the Smokestack.

The discovery point is located in a map in the papers of the suit named in a slender triangle of ground which lies between the lines of the Johnstown, Mountain View and St. Lawrence mines, and is one of the two small pieces of free ground in the claim, the other claims named being in existence and patented long before the Copper Trust was located.

It is understood that the theory of the Copper Trust owners heretofore was that all the ledges in the neighborhood apexed in the nine-foot triangular segment of ground and ran down into the earth at angles in every direction, somewhat in the form of an old-fashioned funnel-shaped extinguisher.

Asked for Millions.

The first suit brought by O'Connor asked the court to give him \$2,000,000 damages, title to the ground covered by the Copper Trust and the veins within its borders, which are of immense value, and costs.

In the second suit O'Connor asked for title to the claim and the ore deposits and for an injunction against the Anaconda and Washoe companies, and for an inspection order to inspect the Anaconda and Never Sweat claims.

The first suit was filed in 1900 and the second in 1901. In the first suit there is now on file a third amended complaint, O'Connor having been compelled to amend his pleading three times.

The Copper Trust claim was located by J. H. Terrier, one of Heinze's employes, and the complaint in the first case says that he discovered a ledge of ore in the triangle of ground described heretofore. This ground in the complaint is said to be 10 feet wide at the butt and 75 feet long, running down to a razor point.

The complaint says the location was made prior to the bringing of the suit, and that there was still another piece of unoccupied public land within the boundaries of the Copper Trust at that time. The second piece is another triangular strip. The size of this strip is not given, but it is more diminutive than the other.

Like the Roads to Rome.

The complaint alleges that the vein which was alleged to have been discovered by Terrier passes through several of the surrounding patented claims. It also says that several other veins on the hill pass through the triangle.

The complaint alleges that O'Connor owns the ledges that dip and strike into the ground in various directions, and alleges that the defendants in the suit have extracted ore from the ledges to his damage in the sum of \$2,000,000.

The Anaconda company and the Washoe company both have demurrers on file to the third amended complaint, saying that it does not state facts sufficient to constitute a cause of action.

The complaint in the other suit states practically the same things about the Copper Trust and its owners' claims and pretensions, excepting in the matter of damages, which trifling particular is omitted. The companies sued by O'Connor also have demurrers filed in that suit, which object to the complaint because it is uncertain, ambiguous and lacks a statement of facts sufficient to found a suit.

O'Connor's lawyers are the same attorneys who have Heinze's business in hand. It is supposed that having bought the Copper Trust Heinze has bought the suits founded upon it and will continue the prosecution of the same.

The deed of transfer of the Copper Trust bore no revenue stamps, and thus showed upon its face that the consideration was less than \$2,500.

HE WANTS \$20,000 DAMAGES.

The Anaconda Copper Mining company was sued in the district court today for \$20,000 for a smashed hand. The plaintiff in the suit is Thomas D. Sweeney and his lawyers are Breen and Mackel. Sweeney says that his hand was smashed in the St. Lawrence mine and he holds the company responsible. He says he was damaged to the extent of \$20,000 by the injury through a loss of ability to labor for a year and that he was compelled to expend \$1,700 trying to cure the hand.

ROBBER'S VICTIM SEES THINGS

William Snyder, the sheep herder from Race Track, who was in police court yesterday morning as a victim of Della Grey, accused of robbing him of \$50, is in the county jail. Snyder got mixed up with a lot of bad

whisky, according to the police, and this forenoon developed a large sized dose of "jimmies."

He started to run amuck on South Main street, attacking men and women indiscriminately. He knocked down three men before Officer Schmidt could get to him.

There was a lively struggle between the officer and Snyder, but the powerful policeman finally succeeded in overcoming the crazed herder and got him as far as the alley entrance to the city jail. Snyder was held there until the patrol wagon came and he was packed in after another struggle and taken to the county jail for treatment.

Della Grey, the woman accused of robbing the herder, was fined \$50 yesterday afternoon by Judge Boyle.

BUTTE CURRENT NOTES

Orton Bros.--Plants and organs.

J. H. White of Salt Lake is in Butte.

J. G. Bates, tuner, Montana Music Co., 119 N. Main st. Tel. 591.

J. B. Habersham is over from Helena. When you want something to read, go to the P. O. News Stand, 57 W. Park.

You'll never meet with disappointment as long as you smoke the Harvard cigar.

Officer Ed. Foley this afternoon arrested Robert Jacklin on a charge of removing the copper trimmings from the Parrot school building. Jacklin was caught in the act.

Fanned by the balmy breezes and seethed by the salty air of the Atlantic, there is no better tobacco on earth than that put into Harvard cigars by the best American labor.

The members of the Scandinavian Independent church and their friends had a very successful basket party last night at their hall, corner Copper and Alaska streets. The bidding for the baskets was very lively and as a result \$85 was added to the credit of the church fund.

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REV. FATHER J. F. NUGENT

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"The Philosophy of Civilization"

SUTTON'S FAMILY THEATER

THREE NIGHTS ONLY

Starting Sunday Matinee, March 9, the

Sensational Mining Drama,

The Butte Mine

A Full Acting Company. Prices, 50 and 25 cents.

Maguire's Opera House

Three Nights, Commencing Sunday, March 16. Special Matinee on St. Patrick's Day.

Walter E. Perkins' Comedians Present

THE MAN FROM MEXICO

By H. A. DuSouchet, Author of "My Friend from India." An Established Laughing Success from Maine to California. Cast of superior merit! Night Prices: 25c, 50c, 75c. Matinee: 25c, 50c. Sale of seats opens Friday morning.

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